

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

CASE NO.: 7:23-cv-01527-TMC-JDA

ANDY LAWSON MCDANIEL,
Plaintiff,
VS.

R. TODD CAMPBELL; DARREN M. JANESKY; TOWN OF
BLACKSBURG, A/K/A BLACKSBURG POLICE DEPARTMENT; MAYOR
MIKE PATTERSON; POLICE CHIEF JAMIE P. HAM; CHEROKEE
COUNTY SHERIFF'S DEPUTY MARK HUTCHENS; AND CHEROKEE
COUNTY SHERIFF'S OFFICE,
Defendants.

V I D E O D E P O S I T I O N

WITNESS: ANDY LAWSON MCDANIEL
DATE: Tuesday, October 3, 2023
TIME: 10:38 a.m.
LOCATION: Wesley D. Few, LLC
416 East North Street, Floor 2
Greenville, South Carolina 29601
TAKEN BY: Attorney for the Town of Blacksburg
and its various Employees or
Representatives
REPORTED BY: Donna Cheryl Kyzer
VIDEOGRAPHER: C.C. Barr

LEGAL EAGLE
Post Office Box 5682
Greenville, South Carolina 29606
864-467-1373 / depos@legaleagleinc.com



ANDY LAWSON MCDANIEL 10-3-2023

39

1 problem with alcohol at some point?

2 A. No, ma'am. I just quit.

3 Q. Okay. Is there -- was there a reason why
4 you quit? Anything happen that --

5 A. I didn't want to raise my kids up -- when I
6 had kids, I didn't want it to be around them.

7 Q. Okay. So that was about the time your
8 daughter was born?

9 A. Yeah.

10 Q. Okay. Did you take any either prescription
11 or illegal drugs that day?

12 A. No, ma'am.

13 Q. Okay. When was the last time before that
14 day that you had taken any sort of prescription or
15 illegal --

16 A. I don't --

17 Q. -- drugs?

18 A. -- do no prescription drugs, no.

19 Q. Well, prescription or illegal drugs?

20 A. A couple of months before that.

21 Q. Do you recall telling the medical providers
22 at the hospital, on the night of the incident, that
23 you had smoked marijuana that day?

24 MR. FEW: Object to the form.

25 THE WITNESS: I don't recall that.

ANDY LAWSON MCDANIEL 10-3-2023

40

1 BY MS. COFFEE:

2 Q. Okay. Are you telling me that you had not
3 smoked marijuana that day?

4 A. No, I have not.

5 Q. You had not?

6 A. I have not.

7 Q. Okay.

8 A. Not while -- I don't do no drugs when I
9 work, no.

10 Q. Okay. Do you recall telling the medical
11 providers at the hospital that you had done meth the
12 day before?

13 MR. FEW: Object to the form.

14 THE WITNESS: I -- no.

15 BY MS. COFFEE:

16 Q. You don't recall telling them that?

17 A. No, I do not.

18 Q. Okay. Are you saying that you had not?

19 A. I have not done either/or what you said,
20 no.

21 Q. Okay. Do you realize that you had a blood
22 tox screen at the hospital on the night of the
23 incident?

24 A. I didn't know that.

25 Q. Okay. So I'm assuming you don't realize

ANDY LAWSON MCDANIEL 10-3-2023

41

1 that it showed marijuana and meth in your system.

2 A. It was probably previous, before that.

3 Q. Okay.

4 A. They --

5 Q. Do you have any idea how long marijuana or
6 meth stays in -- in your blood?

7 MR. FEW: Object to --

8 THE WITNESS: I would --

9 MR. FEW: -- the form.

10 THE WITNESS: -- say -- I don't know.

11 BY MS. COFFEE:

12 Q. You don't know. Okay. But -- but, sitting
13 here today, you're denying that you had done
14 marijuana on the day of the incident?

15 A. I didn't say I denied it, but --

16 Q. Did --

17 A. -- I --

18 Q. -- you --

19 A. -- do not recall. I do not recall that
20 night.

21 Q. So, you don't know if you did marijuana on
22 the day of the incident?

23 A. I did not. I don't do no drugs before I go
24 to work or nothing like that.

25 Q. Okay.

ANDY LAWSON MCDANIEL 10-3-2023

42

1 A. I keep a level head.

2 Q. So -- and maybe we're not communicating
3 well, but I just want to make sure the -- the
4 record's clear. Are you saying that you did not do
5 marijuana on the day of the incident?

6 MR. FEW: Object to the form.

7 THE WITNESS: No, ma'am, I don't -- I
8 didn't.

9 BY MS. COFFEE:

10 Q. Okay. And are you saying that you did not
11 do meth the day before the incident?

12 MR. FEW: Object to --

13 THE WITNESS: No, I --

14 MR. FEW: -- the form.

15 THE WITNESS: -- did not.

16 BY MS. COFFEE:

17 Q. Okay. So, no, you did not do those drugs?

18 A. On that day, no, ma'am, I did not.

19 Q. Okay. But you admit that you may have done
20 drugs a couple of months before the incident?

21 A. Yeah.

22 Q. Okay. And what drugs would those have
23 been?

24 A. Marijuana.

25 Q. Marijuana. Did you -- have you ever done

ANDY LAWSON MCDANIEL 10-3-2023

43

1 meth?

2 A. I have in the past, yes.

3 Q. Okay. At the time of the incident in
4 October of '21, when was the last time you had done
5 meth before the incident?

6 A. Maybe a week before that.

7 Q. Okay. So, if you told the medical
8 providers at the hospital that you had done meth the
9 day before, do you have any idea why you would have
10 told a medical provider that who was treating you if
11 you had not done meth --

12 MR. FEW: Object to the --

13 Q. -- the day --

14 MR. FEW: -- form.

15 Q. -- before?

16 A. I didn't -- I don't recall saying that.

17 Q. Okay. Well, I mean, it's on video, so --
18 and, you know, we -- we can look at that, so I'm --
19 I'm asking you, do you have an explanation for why
20 you would have said that if that was not accurate?

21 A. I was in so much pain.

22 Q. Okay. So you were in so much pain that you
23 would lie about doing drugs?

24 A. I didn't lie --

25 MR. FEW: Object to the form.

ANDY LAWSON MCDANIEL 10-3-2023

45

1 the -- that the incident occurred around 7:48 p.m.,
2 and I'm talking about the hit-and-run. So the
3 incident that occurred in downtown Blacksburg, that
4 that occurred around 7:48. Does that sound about
5 right to you?

6 MR. FEW: Object to the form.

7 THE WITNESS: It was probably later than
8 that. I don't know what time it was.

9 BY MS. COFFEE:

10 Q. Okay. But you -- do you recall driving
11 through on --

12 A. Cherokee, yeah.

13 Q. -- West Cherokee Street?

14 A. I remember driving on that road --

15 Q. Okay.

16 A. -- that night, yeah.

17 Q. And do you -- do you recall hitting the
18 back of a motorcycle?

19 A. I do recall that, but I don't know what
20 time it was.

21 Q. Okay. And that's fine. But if -- if the
22 incident reports reflect that it was around 7:48,
23 would -- would you object to that in any way? I
24 mean, do you dispute that?

25 A. I don't know exactly what time it was, but

ANDY LAWSON MCDANIEL 10-3-2023

47

1 Q. -- had gone to the store to get cigarettes?

2 A. Uh-huh.

3 Q. -- and were -- and you were driving back
4 through --

5 A. Uh-huh.

6 Q. -- Blacksburg to go back to -- were you
7 going back to Kenny's house?

8 A. No.

9 Q. Okay. Where were you going back to?

10 A. To the spot where the accident happened,
11 where I was sleeping.

12 Q. Okay.

13 A. Well, that's -- that's where I was going to
14 sleep at that night.

15 Q. Okay. So when you say "accident," you're
16 talking about the arrest, correct --

17 A. Uh-huh.

18 Q. -- on Bluebird Lane?

19 A. Uh-huh.

20 Q. Okay. But there -- there was also an
21 accident that happened on Cherokee Street --

22 A. Uh-huh.

23 Q. -- where you hit the motorcycle, right?

24 A. Yes, ma'am.

25 Q. Okay. So I just want to make sure we don't

ANDY LAWSON MCDANIEL 10-3-2023

51

1 A. Yes, ma'am.

2 Q. So you -- you got so sleepy and tired that
3 you decided, spur of the moment, Hey --

4 A. Yeah.

5 Q. -- I'm going to stop here?

6 A. Yes, ma'am.

7 Q. Okay. And what did you do -- well, tell me
8 about when you hit the motorcycle. What happened?
9 What do you remember happening when you hit --

10 A. I stopped, you know, to make sure he was
11 all right, and he stood up. I looked at him; he
12 looked at me, and he -- he was fine.

13 Q. All right. Did you get out of the truck?

14 A. No, I did not.

15 Q. Did you talk to him?

16 A. No, I did not.

17 Q. Did you talk to anybody else?

18 A. No, ma'am.

19 Q. Did you identify yourself to any witnesses
20 that were on scene?

21 A. There weren't no witnesses --

22 Q. Okay.

23 A. -- that I know of.

24 Q. That you know of. Okay.

25 THE VIDEOGRAPHER: One second. He just

ANDY LAWSON MCDANIEL 10-3-2023

52

1 lost his mic.

2 MS. COFFEE: Okay. Just try to make sure
3 you keep that --

4 THE WITNESS: Well, I didn't know it fell.

5 MS. COFFEE: It's fine.

6 BY MS. COFFEE:

7 Q. Okay. So you didn't see any witnesses?

8 A. No, ma'am.

9 Q. And you didn't speak to anybody on the
10 scene of the motorcycle --

11 A. No, ma'am.

12 Q. -- accident?

13 A. No, ma'am.

14 Q. And you did not speak to the motorcycle
15 rider?

16 A. No, ma'am.

17 Q. Did you pull over to the side?

18 A. I was -- I was right behind him.

19 Q. Okay. So you were behind him?

20 A. Uh-huh.

21 Q. Did you pull over?

22 A. I was -- I was sitting there for, like, a
23 minute or two. He got up and made sure -- I was
24 making sure that he was all right. He was fine.

25 Q. Okay.

ANDY LAWSON MCDANIEL 10-3-2023

53

1 A. He looked fine to me. I ain't no doctor.

2 Q. Okay. So you -- you -- you're saying that,
3 after you hit him, you stopped?

4 A. Yeah.

5 Q. And you -- you just sat there in your truck
6 for some period of time?

7 A. Yeah.

8 Q. But you didn't get out?

9 A. No.

10 Q. And didn't talk to anybody?

11 A. No.

12 Q. Okay. And then, did you leave?

13 A. Yeah.

14 Q. Okay. And were you still planning to go to
15 the river at that time?

16 A. Uh-huh.

17 Q. Okay. And then I think you said when
18 you -- on the way to the river, you decided to pull
19 off on Bluebird Lane?

20 A. Uh-huh.

21 Q. And, I believe, you backed in?

22 A. Yes, ma'am.

23 Q. And was it kind of like an extra driveway
24 on Mr. Martin's property, or what was it?

25 A. Yeah, it was an extra driveway.

ANDY LAWSON MCDANIEL 10-3-2023

68

1 dark?

2 A. Probably about -- between 7:00 and 8:00.

3 Q. Okay.

4 A. Around -- around about that time.

5 Q. And that's consistent --

6 A. Uh-huh.

7 Q. -- with -- I mean, the records show that it
8 was about 7:48 that you were driving through town, so
9 I think that's consistent.

10 A. Uh-huh.

11 Q. Would you agree with me that that's
12 consistent?

13 A. (Witness nodding head.)

14 Q. Okay. I -- I -- I'm just trying -- and I'm
15 not trying to make you tell me a time. I'm just
16 trying to determine if -- if -- if you have knowledge
17 of what time it was, or not, that you drove through
18 town.

19 A. I don't know. I don't keep up with the
20 time like that, no.

21 Q. Okay. okay. Okay. So tell me what the
22 first -- what is the first thing that you recall
23 after you were -- after you parked on Bluebird Lane
24 and you went to sleep, what is the next thing that
25 you remember?

ANDY LAWSON MCDANIEL 10-3-2023

69

1 A. My window getting busted out --

2 Q. Okay.

3 A. -- and getting jerked out of my truck.

4 That's what woke me up, my window busting.

5 Q. Okay. So you didn't hear anything or see
6 anybody before your window was actually busted out?

7 A. No, ma'am.

8 Q. Okay. That you recall?

9 A. That I recall.

10 Q. Okay. And did you have -- I mean, what did
11 you think was happening?

12 A. I didn't know what was happening.

13 Q. Okay. Did you -- did you see anybody?

14 A. Huh-un.

15 Q. So --

16 A. No --

17 Q. Okay.

18 A. -- I didn't see nobody.

19 Q. When was the first time that you realized
20 that it was law enforcement?

21 A. When they put handcuffs on me.

22 Q. Okay. When you were -- when they --

23 A. When I was laying on my stomach, when they
24 put handcuffs on me.

25 Q. Okay. So you didn't realize it was law

ANDY LAWSON MCDANIEL 10-3-2023

70

1 enforcement until you were already handcuffed?

2 A. Yeah.

3 Q. Okay. You never heard them say, Police?

4 A. No, never did.

5 Q. Or open the door?

6 A. Never did.

7 Q. Do you recall -- hold on just a second. Do
8 you recall saying, what did I do?

9 A. After I woke up and was laying on the
10 ground, yeah, that's when I asked, what did I do?

11 Q. No. This would have been before the window
12 was busted. Do you -- do you recall yelling, what
13 did I do?

14 A. Huh-un.

15 Q. Okay.

16 MR. HARTER: Verbal answer if you can.

17 THE WITNESS: No, ma'am, I --

18 MS. COFFEE: Thank you, Rusty.

19 MR. HARTER: Yeah.

20 BY MS. COFFEE:

21 Q. Do you recall the -- either Campbell or
22 Janesky -- which, now we know it was Campbell and
23 Janesky, right?

24 A. Yeah, now I know that. Yeah.

25 Q. Okay. And I understand you didn't know it

ANDY LAWSON MCDANIEL 10-3-2023

71

1 at the time, but do you recall hearing one of them
2 say, Open the door now?

3 A. No, never heard nobody.

4 Q. Do you recall anybody saying, Or I'm going
5 to bust the window out?

6 A. Never heard that.

7 Q. Okay. And do you recall saying, Please
8 don't; I ain't done nothing?

9 A. I don't recall.

10 Q. Okay. Be- -- before the window was broken
11 out --

12 A. No.

13 Q. -- you don't recall saying that?

14 A. No.

15 Q. Okay.

16 A. I was asleep.

17 Q. Okay. well, again, there is -- there is
18 video.

19 A. Okay.

20 MR. FEW: Object to the form.

21 BY MS. COFFEE:

22 Q. Have you seen the video from the night of
23 the incident?

24 A. No, and I don't want to neither.

25 Q. Okay. So, I mean, if it's on video with

ANDY LAWSON MCDANIEL 10-3-2023

87

1 BY MS. COFFEE:

2 Q. Okay. Did -- did you attempt to
3 struggle --

4 A. No.

5 Q. -- with them?

6 A. No.

7 Q. Okay. So your testimony is you did not --

8 A. Oh. I did not fight them.

9 Q. -- you did not -- well, I mean, fighting
10 may mean something different than struggling?

11 A. I never, no, struck at them or nothing like
12 that. No.

13 Q. Okay. What do you think -- well, obviously
14 I have your medical records, so I realize that you
15 have -- I mean, I realize what your --

16 A. I went through.

17 Q. -- medical --

18 A. Yeah.

19 Q. -- condition was later that night. Okay?

20 A. (Witness nodding head.)

21 Q. But what do you think happened to your
22 ribs? How do you think your ribs got injured?

23 A. Probably, whenever they, I'm -- I'm going
24 to say, beat me when I was -- when they was pulling
25 me out of the truck, because I know I woke up in

1 pain.

2 Q. Okay. So you're --

3 A. I don't know how long they was there trying
4 to get me out of the truck, or whatever, but I know
5 when I come -- when I got woke up and out of the
6 truck, I sat there for a minute on the ground before
7 I got stood up, and I told them, I said, Look, I need
8 an ambulance; it's hard for me to breathe, and I
9 never had no pain before I went to sleep.

10 Q. Okay. So, did you say you don't know if
11 they beat you or not, or what did you say? I don't
12 want to put words in your mouth. I'm just trying to
13 make sure I understand you.

14 A. If they did beat me, I wasn't awake and
15 aware of it.

16 Q. Okay. So you're -- you're not testifying
17 that they beat you?

18 A. If they did, my medical records proved it.
19 You know, they hurt me.

20 Q. Okay. Well, that's not really my question.
21 My question is, are you testifying that they beat
22 you?

23 A. They had to. I didn't have no injuries
24 before I went to sleep.

25 Q. Well, there may be other ways that the

ANDY LAWSON MCDANIEL 10-3-2023

89

1 injuries occurred --

2 MR. FEW: Object to the form.

3 Q. -- so what I'm asking you is, can you
4 testify that either Officer Janesky or Campbell or
5 anybody else that you've sued in this case hit you or
6 beat you on --

7 A. That's the --

8 Q. -- the night of the arrest?

9 A. That was only three people that was there
10 when I got hurt.

11 Q. That's not my question. My question is,
12 can you testify that they beat you, that you recall
13 somebody hitting you or kicking you or beating you
14 with an object? Can you testify of your own
15 knowledge that anybody did that on the night of the
16 incident?

17 A. I don't recall seeing it.

18 Q. Okay. So you can't testify to that, right?

19 A. But -- but explain to me how my medical
20 records say different.

21 Q. Well, the medical records don't say that
22 you were beaten. The medical records say that you
23 had certain injuries. I -- I agree with that, and
24 that's for -- that's for us to -- that's for somebody
25 else other than you to determine, possibly how those

ANDY LAWSON MCDANIEL 10-3-2023

90

1 injuries occurred. My question to you is, can you
2 testify that anybody hit you, beat you, kicked you or
3 did --

4 A. That was the only --

5 Q. -- any other physical harm to you on the
6 night of your arrest? Can you testify to that of
7 your own knowledge?

8 MR. FEW: Object to the form.

9 THE WITNESS: I didn't see it, but that's
10 what I got woke up to.

11 BY MS. COFFEE:

12 Q. Okay.

13 A. What they did while I was asleep, I can't
14 answer that.

15 Q. Okay. So, are you saying you were asleep
16 the whole time?

17 A. When they were -- they pulled me out of the
18 truck and everything.

19 Q. Okay.

20 A. Whatever they did to me while I was asleep,
21 I cannot answer your question.

22 Q. Okay. And I appreciate that. So you can't
23 testify that anybody beat you?

24 A. I didn't see -- if I had knowed they was
25 going to beat me, I would have had a right to defend

ANDY LAWSON MCDANIEL 10-3-2023

91

1 myself --

2 Q. Okay.

3 A. -- but --

4 Q. Well, that's not the question --

5 A. Yeah.

6 Q. -- and I'm just wanting to make sure that
7 you understand what I'm asking you and that the
8 record is clear. You can't testify, from your own
9 knowledge, that they beat you or hit you in any way,
10 right?

11 A. I didn't see it happen.

12 Q. Okay. Well, you didn't see it happen, but
13 you also don't recall it happening, correct?

14 A. (No verbal response.)

15 Q. You don't have any recollection of it?

16 A. How can I, when it was when I was asleep
17 until after the fact that I got woke up and I was in
18 a lot of pain.

19 Q. Okay.

20 A. Explain -- explain that.

21 Q. I -- I -- I understand. So I -- I --

22 A. And that was the only three people that I
23 saw when I woke up.

24 Q. Okay. Which was what three people?

25 A. Janesky, the other two officers,

ANDY LAWSON MCDANIEL 10-3-2023

123

1 A. -- what I needed.

2 Q. So, would you agree with me, though, that
3 on the video that you say, something popped in my
4 chest while ago when y'all throw me to the ground?

5 A. It felt like it popped, but it never did.
6 It felt like -- felt like something popped when I --
7 after I got to the hospital, yeah, I was -- my
8 instincts was right. I had three of my ribs
9 popping.

10 Q. Okay. When you hit the ground?

11 A. Well, after two men manhandled me.

12 Q. Okay. So, when you hit the ground, not
13 when you're wrestling on the ground?

14 MR. FEW: Object to the form.

15 THE WITNESS: (No verbal response.)

16 BY MS. COFFEE:

17 Q. What do you think -- when do you think your
18 ribs got hurt?

19 A. Whenever --

20 Q. When you got pulled to the ground?

21 MR. FEW: Object --

22 THE WITNESS: Yeah.

23 MR. FEW: -- to the form.

24 THE WITNESS: When I -- they slammed me to
25 the ground.

ANDY LAWSON MCDANIEL 10-3-2023

124

1 MR. FEW: Object to the form.

2 BY MS. COFFEE:

3 Q. Okay. Not during -- I mean, do you think
4 that your ribs were damaged or -- or injured when --

5 A. During the --

6 Q. -- when you --

7 A. -- process.

8 Q. -- were wrestling on the ground with --

9 A. Whenever they --

10 Q. -- Janesky?

11 A. -- slammed me to the ground.

12 MR. FEW: Object to the form.

13 BY MS. COFFEE:

14 Q. Whenever they slammed you to the ground?

15 A. Yeah. Because I didn't have no injuries
16 before that --

17 Q. Okay.

18 A. -- until after the fact, what they did.

19 Q. Okay. But you're not testifying today that
20 your injuries were caused by them hitting or kicking
21 or beating you, correct?

22 A. How --

23 MR. FEW: Object to the form.

24 THE WITNESS: How would I get ten broken
25 ribs?

ANDY LAWSON MCDANIEL 10-3-2023

187

1 THE WITNESS: I promise my life on it. I
2 never had no injuries before I went to sleep. After
3 I got up, that's when everything was hurting.

4 BY MR. FEW:

5 Q. Do you recall whether or not they kneed you
6 when you were on the ground?

7 A. I don't recall that, but something
8 happened.

9 Q. Do you know if you've said that they kneed
10 you when you --

11 MS. COFFEE: Object --

12 Q. -- when you were on --

13 MS. COFFEE: -- to the --

14 Q. -- the ground?

15 MS. COFFEE: -- form.

16 THE WITNESS: I don't -- I didn't see them,
17 but they had to.

18 BY MR. FEW:

19 Q. The broken ribs that you, were they on the
20 front and the backside of your rib cage?

21 A. Both sides.

22 Q. And you had surgery on your spleen?

23 A. Yes, sir.

24 Q. It was lacerated?

25 A. Yes, sir.